

REMARKS

The Final Office Action mailed March 16, 2011, has been received and carefully noted. Claims 1-15 are currently pending in the subject application and are presently under consideration.

The claims are amended as set forth above. Entry of the amendments is requested. Support for the amendments can be found in at least paragraphs [0091] and [00134] of the Specification and figures 27, 28, 30, and 31 of the drawings.

Favorable reconsideration of the pending claims is respectfully requested in view of the amendments and the following comments.

I. Claims Rejected Under 35 U.S.C. § 103

Claims 1, 5-7, and 10-15 are rejected under 35 U.S.C. 103(a) as being allegedly obvious over Lautzenheiser (U.S. Patent No. 6,023,572) (“Lautzenheiser”) in view of Fox (U.S. Patent No. 5,890,134) (“Fox”). The Applicant respectfully requests withdrawal of this rejection because Lautzenheiser and Fox do not teach or suggest all the limitations of the claims as amended.

To establish a *prima facie* case of obviousness, the Examiner must provide some articulated reasoning to support the conclusion of obviousness. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Independent claims 1 and 15 are amended to recite, among other limitations, “performing, by the computer system, a backward depth-first search on the graph to schedule the activities according to a reverse chronological order from an entry point to a first date presented in the graph, followed by a forward depth-first search on the graph to schedule remaining activities according to a chronological order from the entry point, the entry point being a date with the highest priority.” The Examiner concedes that Lautzenheiser does not expressly teach this element. However, the Examiner alleges that Fox teaches “performing, by the computer system, a backward depth-first search on the graph to schedule the activities according to a reverse chronological order to a first date presented in the graph, followed by a forward depth-first search on the graph to schedule remaining activities according to a chronological order,” as recited in

the previously presented claims 1 and 15, and cites column 8, lines 33-65, of Fox. See Final Office Action, pages 4 and 7.

The cited sections of Fox describe a scheduling program with the ability to perform backward mode scheduling and forward mode scheduling. In backward mode scheduling, all of the tasks in a project are scheduled to start and finish as late as possible. In forward mode scheduling, all of the tasks in the project are scheduled to start and finish as early as possible. See Fox, column 8 lines 33-65. The scheduling algorithm of Fox performs backward mode scheduling by processing each task, beginning with the task having the latest completion date, by right shifting each task toward the latest completion date. The scheduling algorithm then performs forward mode scheduling by processing each task, beginning with the task having the earliest start date, by left shifting each task toward the start date. See Fox, column 9 line 42 – column 10 line 31. However, Fox does not teach that the backward mode schedules the tasks beginning with a task having a completion date that is a date with the highest priority. Rather, the backward mode schedules the tasks beginning with the task having the latest completion date. Fox also does not teach that the forward mode schedules the remaining tasks beginning with the task having a start date that is the date with the highest priority. Rather, the forward mode schedules the tasks beginning with the task having the earliest start date.

For at least the above reasons, Lautzenheiser and Fox fail to teach these elements of claims 1 and 15. Claims 5-7 and 10-14 depend from independent claim 1 and thus incorporate the limitations thereof. For at least the reasons mentioned above in regard to claim 1, these claims are not obvious over the combination of Lautzenheiser and Fox. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 1, 5-7, and 10-15 are respectfully requested.

Claims 2-4, 8, and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Lautzenheiser and Fox as applied to claim 1 above and in further view of Malin et al. (U.S. Patent Publication No. 2002/0007289) (“Malin”). Claims 2-4, 8, and 9 depend from independent claim 1 and thus incorporate the limitations thereof. For at least the reasons mentioned above in regard to claim 1, Lautzenheiser and Fox fail to render each of the elements of these claims obvious. Further, the Examiner has not relied upon and the Applicant has been unable to discern any part of Malin that cures the above mentioned defects of Lautzenheiser and

Fox. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 2-4, 8, and 9 are respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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Marilyn Bass May 23, 2011